

bipolar disorder." Said memorandum went on to articulate that the

counsel identifies a mental disorder that was "longstanding, untreated

Manssor Arbabstar." The thrust of the sentencing memorandum filed by

Patton, filed the "Defendant's Sentencing Memorandum on behalf of Mr.

agreement. EXHIBIT #1. On May 01, 2013, Defendant's counsel, David E.

isition as to whether he would accept the offer as contained in the Plea

Two, and Three. The Defendant was given all of one day to make a dec-

part of said Plea the Defendant agreed to plead guilty to counts One,

Attorney in the Southern District of New York. See EXHIBIT #1. As

with the assistance of counsel with the Office of the United States

On October 16, 2012 the Defendant entered into a Plea agreement

APR 28 2014

BACKGROUND

thereof:

above captioned motion and in so doing avers the following in support

comes now the Defendant MANSSOR ARBABSTAR, in pro se, with his

PLAINTIFF'S MOTION PURSUANT TO 28 U.S.C. §2255 IN CHALLENGING THE BASE AND FINAL GUIDELINES APPLICATION BY THE COURT AS APPLIED TO DEFENDANT.

MANSSOR ARBABSTAR, VS.

UNITED STATES OF AMERICA,  
Case No. SI 11 Cr. 897 (JFK)

FOR THE SOUTHERN DISTRICT OF NEW YORK

IN THE UNITED STATES DISTRICT COURT

the state-of-mind of the Defendant in regard to the professional opinion of Dr. First. See EXHIBIT#3 (page-27) (Lines: 17-25). The Court was having trouble understanding the testimony of Dr. First on a forensic level as to what exactly the Doctor was testifying to in regard to the mental condition on the Defendant. See EXHIBIT#3 (page-28) (Lines: 1-25). Between Defendant Counsel and the Court admiring Dr. First to "slow down" in his testimony. Dr. First did his best to acquaint the Court with the unique circumstances of the mental disease of the Defendant. See EXHIBIT#3 (page-29) (Lines: 1-25). The Court goes on to basically refute the facts as testified to by the doctor without any information of conclusive rebuttal testimony as to the mental state of the Defendant. The Court then went on to calculate the base offense level for the Defendant. The plea to which the Defendant signed and understood does not reflect the in court plea colloquy that was engaged in with the Judge at the time of the change of plea hearing. First, the Defendant did not agree to any facts contained in the plea agreement that he participated in a conspiracy or solicitation to commit murder that he thereby improperly calculated at 33. His base offense level was thereby improperly calculated at 33. Second. The Defendant never admitted to any conduct in receiving something of preeminent value for undertaking the murder. A (4) level increase was assessed based on said conduct. Third, the Defendant did not admit to any terrorist acts that would increase his levels by (12) on the sentencing scale. Based on the erroneous calculation by (12) on the sentencing scale. Based on the erroneous calculation of Count-One, the Defendant was assessed a level of (49). Fourth. The Defendant did not admit to conduct contained in Count-3 which charges an offense against the United States. The Court has also wrongfully concluded that Defendant did not deserve a decrease by (3)

matter the Defendant was not afforded "as applied" a challenge to the ALSO Myton v. United States, 2013 U.S. Dist. Lexis 13289. In this §3553(a), which may vary from the applicable guideline range. Id. See its discretion and consult the sentencing factors set forth in 18 U.S.C. for departure and state the opposition, if any, of such ruling on the guideline calculations. Id. Third, the court is required to exercise for departure. Second, the court must formally calculate the advisory guideline range. Id. First, it must properly calculate the advisory 552 U.S. 38 (2007). First, it must properly calculate the advisory must engage in a (3) step process pursuant to Gall v. United States, calculate in the first instance. In sentencing a Defendant, a court by the Defendant, his counsel, and the prosecution is erroneously not. There's no question that the guideline range that was agreed to "make up his mind" whether he wanted to take the plea in question or what was happening to him. The Defendant was given all of (1) day to knew of the Defendant's mental frailties and his ability to comprehend appeal. This conduct is further exacerbated by the fact that counsel that waived his rights to appeal any collateral issues or on direct guideline range before inducing the Defendant into signing a plea 1999). Counsel should have insisted on a proper application of the different." See McKee v. United States, 167 F.3d 103, 106 (2nd Cir.). Id. "But for the deficiency, the outcome of the proceeding would be assistance "fall well below the objective standard of reasonableness." 689 (1984). The counsel who handled the Defendant's sentencing tanace of counsel at sentencing. See Strickland v. Washington, 466 U.S. three. The Defendant has a Constitutional Right to effective assistance to be a co-conspirator in the crimes charged in Counts One, Two, and level for his "acceptance of responsibility" because he was alleged

Count Three of the Information charges the defendant with conspiracy to commit an offense against the United States, namely, an act of terrorism transcending national boundaries,

gross pecuniary loss to persons other than the defendant as a result of the offense; a \$100 special assessment; and a maximum term of three years' supervised release.

Count Two of the Information charges the defendant with conspiring to travel in foreign commerce and to use or cause another to use interstate and foreign commerce for the purpose of committing or aiding and abetting the offense of murder-for-hire, from at least in or about the spring of 2011, up to and including September 29, 2011, in violation of Title 18, United States Code, Section 1958.

Count One of the Information charges the defendant with traveling in foreign commerce and using interstate and foreign commerce facilities in the commission of murder-for-hire, from at least in or about the spring of 2011, up to and including on or about September 29, 2011, in violation of Title 18, United States Code, Section 1958. Count One certifies a maximum term of imprisonment of ten years; a maximum fine of the greatest of \$250,000 or twice the gross impulsion of the offense; a maximum fine of the offense; a \$100 special assessment; and a maximum term of three years' supervised release.

On the understanding specified below, the Office of the United States Attorney for the Southern District of New York ("this Office") will accept a guilty plea from Mansoor Arbabsiar ("the defendant") to Counts One, Two, and Three of the above-referenced Superseding Indictment (the "Information").

Dear Ms. Shrotti:

RE: United States v. Mansoor Arbab Salar

New York, New York 10007

Sabrina Shortt, Esq.  
Federal Defenders of New York  
52 Diane Street 10th Floor

Sabrina Shrot, Esq.

BY E-MAIL

October 16, 2012

The Studio J. Mollo Building  
One Saint Andrew's Plaza  
New York New York 10007

United States Attorney  
Southern District of New York

U.S. Department of Justice



The defendant hereby admits the foregoing allegation with respect to Counts One and Two of the information and agrees to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the

In consideration of the defendant's plea to the above offense, the defendant will not be further prosecuted criminally by this Office (except for criminal tax violations as to which this Office cannot, and does not, make any agreement) for: (i) his participation in a conspiracy to murder a foreign official, from at least in or about the spring of 2011, up to and including September 29, 2011, in violation of Title 18, United States Code, Section 111, up to and including September 29, 2011, in violation of Title 18, United States Code, Section 1958, as charged in Count Three of Indictment 11 Cr. 897 (JFK); (ii) engaging in the commission of murder-for-hire, from at least in or about the spring of 2011, up to and including September 29, 2011, in violation of Title 18, United States Code, Section 1958, as charged in Count Three of Indictment 11 Cr. 897 (JFK); (iii) his participation in a conspiracy to engage in foreign travel and the use of interstate and foreign commerce facilities in the commission of murder-for-hire, from at least in or about the spring of 2011, up to and including September 29, 2011, in violation of Title 18, United States Code, Section 1958, as charged in Count Two of Indictment 11 Cr. 897 (JFK); (iv) his participation in a conspiracy to use a weapon of mass destruction, from at least in or about the spring of 2011, up to and including September 29, 2011, in violation of Title 18, United States Code, Section 2332a, to and including September 29, 2011, in violation of Title 18, United States Code, Section 2332a, as charged in Count Four of Indictment 11 Cr. 897 (JFK); and (v) his participation in a conspiracy to commit an act of terrorism transcending national boundaries, from at least in or about the spring of 2011, up to and including September 29, 2011, in violation of Title 18, United States Code, Section 232b, as charged in Count Five of Indictment 11 Cr. 897 (JFK); it being understood that this agreement does not bar the use of such conduct as a predicate act or as the basis for a sentencing enhancement in a subsequent prosecution including, but not limited to, a prosecution pursuant to 18 U.S.C. § 1961 et seq. In addition, at the time of sentencing, the government will move to dismiss any open Counts against the defendant. The defendant agrees that with respect to any and all dismissed charges he is not a "prevailing party" within the meaning of the "Hyde Amendment," Section 617, P.L. 105-119 (Nov. 26, 1997), and will not file any claim under that law.

The total maximum term of imprisonment on Counts One through Three is twenty-five years.

in violation of Title 18, United States Code, Section 2332b, in violation of Title 18, United States Code, Section 371, from at least in or about the spring of 2011, up to and including on or about September 29, 2011. Count Three carries a maximum term of imprisonment of five years; a maximum fine, pursuant to Title 18, United States Code, Section 3571 of the greatest of \$250,000, twice the gross pecuniary gain derived from the offense, or twice the gross pecuniary loss to persons other than the defendant resulting from the offense; a \$100 special assessment; and a maximum term of three years' supervised release.

8. Pursuant to U.S.S.G. § 2A1.5(b)(1), the offense level is increased by 4 levels because the offense involved the offer or receipt of something of pecuniary value for undertaking the murder.

7. Pursuant to U.S.S.G. § 2B1.4(a)(2), the applicable base offense level is 33 because U.S.S.G. § 2A1.5 provides the base offense level applicable to the underlying criminal conduct, i.e., conspiracy or solicitation to commit murder.

#### Court Two - Conspiracy to Commit Murder-For-Hire

6. In accordance with the above analysis, the applicable Guidelines offense level for Court One is 49.

5. Pursuant to U.S.S.G. § 3A1.4, because the offense is a felony that involved, or was intended to promote, a federal crime of terrorism, the offense level is increased by 12 levels.

4. Pursuant to U.S.S.G. § 2A1.5(b)(1), the offense level is increased by 4 levels because the offense involved the offer or receipt of something of pecuniary value for undertaking the murder.

3. Pursuant to U.S.S.G. § 2B1.4(a)(2), the applicable base offense level is 33 because U.S.S.G. § 2A1.5 provides the base offense level applicable to the underlying criminal conduct, i.e., conspiracy or solicitation to commit murder.

#### Court One - Murder-For-Hire

2. Pursuant to U.S.S.G. § 3D1.3(a), the offense level applicable to the group is the offense level for the most serious of the counts comprising the group.

1. Pursuant to U.S.S.G. § 3D1.2(b), Counts One, Two and Three are grouped together into a single group because the counts involve the same victim and two or more acts of transactions are connected by a common criminal objective.

#### A. Offense Level

In consideration of the foregoing and pursuant to United States Sentencing Guidelines ("U.S.S.G." or "Guidelines") Section 6B1.4, the parties hereby stipulate to the following:

Offenses. It is further understood that any forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon him in addition to forfeiture.

10. In accordance with the above analysis, the applicable Guidelines offense level is 49. Pursuant to U.S.S.G. § 3A1.4, because the offense is a felony that involved, or was intended to promote, a federal crime of terrorism, the offense level is increased by 12 levels. Two is 49.

11. Pursuant to U.S.S.G. § 2X1.1, the base offense level is the base offense level for the substantive offense, i.e., the commission of an act of terrorism transcending national boundaries. Pursuant to U.S.S.G. § 2X1.1(b)(2), a decrease by 3 levels is not warranted because the defendant or a co-conspirator completed all the acts the conspirators believed necessary on their part for the successful completion of the substantive offense.

12. The Guideline applicable to the substantive offense is U.S.S.G. § 2A1.1(a). Pursuant to U.S.S.G. § 2A1.1(a), the base offense level is 43.

13. Pursuant to U.S.S.G. § 3A1.4, because the offense is a felony that involved, or was intended to promote, a federal crime of terrorism, the offense level is increased by 12 levels.

14. In accordance with the above analysis, the applicable Guidelines offense level for Count Three is 55.

15. Accordingly, pursuant to U.S.S.G. § 3D1.3(a), the offense level applicable to the group is 55.

16. Assuming the defendant clearly demonstrates acceptance of responsibility, to the satisfaction of the Government, through his allocution and subsequent conduct prior to the imposition of sentence, a two-level reduction will be warranted, pursuant to § 3B1.1(a), U.S.S.G. Furthermore, assuming the defendant has accepted responsibility as described in the previous sentence, an additional one-level reduction is warranted, pursuant to § 3B1.1(b), U.S.S.G., thereby permitting the Court to allocate its resources efficiently.

In accordance with the above, the applicable Guidelines offense level is 52.

Except as provided in any written Prolifer Agreement(s) that may have been entered into between this Office and the defendant, nothing in this Agreement limits the right of the parties (i) to present to the Probation Office or the Court any facts relevant to sentencing; (ii) to make any arguments regarding the Stipulated Guidelines Sentence (or where within such other range the defendant should be sentenced) and regarding the factors to be considered in imposing a sentence pursuant to Title 18, United States Code, Section 3553(a); (iii) to seek an appropriately adjusted Guidelines range if it is determined based upon new information that the defendant's criminal history category is different from that set forth above; and (iv) to seek an appropriate adjustment if it is subsequently determined that the defendant qualifies as a career offender under U.S.C. § 4B1.1. Nothing in this Agreement limits the right of the Government to seek denial of the adjustment for acceptance of the plea or stipulation set forth above, if the plea or stipulation of the defendant fails clearly to demonstrate acceptance of responsibility, to the satisfaction of the Government, through his allocution and subsequent conduct prior to the imposition of sentence. Similarly, nothing in this Agreement limits the right of the Government to seek an enhancement for obstruction of justice, see U.S.C. § 3C1.1, regardless of any stipulation set forth above, if the defendant fails to demonstrate acceptance of responsibility, to the satisfaction of the Government, through his allocution and subsequent conduct prior to the imposition of sentence. Should it be determined that the defendant has either (i) engaged in conduct, unknown to the defendant at the time of sentencing, that is a violation of 18 U.S.C. § 1512, or (ii) engaged in conduct, known to the defendant at the time of sentencing, that is a violation of 18 U.S.C. § 1512, the Court may determine the defendant should be sentenced (or where within such other range the defendant should be sentenced) and regarding the factors to be considered in imposing a sentence pursuant to Title 18, United States Code, Section 3553(a); (iii) to seek an appropriately adjusted Guidelines range if it is determined based upon new information that the defendant's criminal history category is different from that set forth above; and (iv) to seek an appropriate adjustment if it is subsequently determined that the defendant qualifies as a career offender under U.S.C. § 4B1.1. Nothing in this Agreement limits the right of the Government to seek denial of the adjustment for acceptance of the plea or stipulation set forth above, if the plea or stipulation of the defendant fails clearly to demonstrate acceptance of responsibility, to the satisfaction of the Government, through his allocution and subsequent conduct prior to the imposition of sentence. Similarly, nothing in this Agreement limits the right of the Government to seek an enhancement for obstruction of justice, see U.S.C. § 3C1.1, regardless of any stipulation set forth above, if the defendant fails to demonstrate acceptance of responsibility, to the satisfaction of the Government, through his allocution and subsequent conduct prior to the imposition of sentence.

### C. Sentence Range

Pursuant to U.S.S.G. § 3A1.4, the defendant is in Criminal History Category VI.

### b. Criminal History Category

The defendant hereby acknowledges that he has accepted this Agreement and decided to plead guilty because he is in fact guilty. The defendant admits that the facts set forth below and in Exhibit A are true, and were this case to go to trial, the United States would be able to prove these specific facts and others beyond a reasonable doubt. Further, the defendant agrees to allocate at the guilty plea proceeding to the facts set forth below and in Exhibit A.

It is agreed (i) that the defendant will not file a direct appeal; nor bring a collateral challenge, including but not limited to an application under Title 28, United States Code, Section 2255 and/or Section 2241; nor seek a sentence modification pursuant to Title 18, United States Code, Section 3582(c), of any sentence imposed below the Stipulated Guidelines Sentence of 300 months, imprisonment, and (ii) that the Government will not appeal any sentence at the Stipulated Guidelines Sentence. This provision is binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, it is agreed that any appeal as to the defendant's sentence that is not foreclosed by this provision will be limited to that portion of the sentence calculating imprisonment that is inconsistent with the above stipulation. The parties agree that this waiver applies regardless of whether the term of imprisonment is imposed to run consecutively to or concurrently with the undischarged portion of any other sentence of imprisonment that has been imposed on the defendant at the time of sentencing in this case. The defendant further agrees not to appeal any term of supervised probation or any fine that is less than or equal to the statutory maximum. The defendant also agrees not to appeal any fine that is less than or equal to \$250,000, and the Government agrees not to appeal any fine that is less than or equal to the statutory maximum. The defendant also agrees not to appeal any fine that is less than or equal to the statutory maximum. The defendant also agrees not to appeal any fine that is less than or equal to \$25,000.

It is understood that the sentence to be imposed upon the defendant is determined solely by the Court. It is further understood that the Guidelines are not binding on the Court. The defendant acknowledges that his entry of a guilty plea to the charged offenses authorizes the sentencing court to impose any sentence, up to and including the statutory maximum sentence. This Office cannot, and does not, make any promise or representation as to what sentence the defendant will receive. Moreover, it is understood that the defendant will have no right to withdraw his plea of guilty should the sentence imposed by the Court be outside the Guidelines sentence set forth above.

It is understood that pursuant to U.S.C. § 6B1.4(d), neither the Probation Office nor the Court is bound by the above Guidelines stipulation, either as to questions of fact or as to the determination of the proper Guidelines to apply to the facts. In the event that the Probation Office or the Court contemplates any Guidelines adjustments, departures, or calculations different from those stipulated to above, or contemplates any sentence outside of the Stipulated Guidelines Sentence, the parties reserve the right to answer any inquiries and to make all appropriate arguments concerning the same.

Government at the time of the signing of this Agreement, that constitutes obstruction of justice or committed another crime after signing this Agreement.

It is further agreed that should the conviction following the defendant's plea of guilty pursuant to this Agreement any counts that the Government has agreed to dismiss at sentencing pursuant to this Agreement any applicable statute of limitations on the date of the signing of this Agreement barred by the statute for any reason, then any prosecution that is not timely.

By entering this plea of guilty, the defendant waives any and all right to withdraw his plea or to attack his conviction, either on direct appeal or collateral, on the ground that his Government has failed to produce any discovery material, Jencks Act material, exculpatory material pursuant to *Braley v. Marjland*, 373 U.S. 83 (1963), other than information established by the factual innocence of the defendant, and impedeachment material pursuant to *Giglio v. United States*, 405 U.S. 150 (1972), that has not already been produced as of the date of the signing of this Agreement.

Arbabasir then arranged for a \$100,000 payment, in two installments, to be wired to the individual at a U.S. bank account, as a down-payment for the anticipated murder of the Ambassador. Arbabasir's co-conspirators were transferred to a U.S. bank account that passed through Manhattan, New York.

Arbabasir discussed with the individual a plan for the individual and his criminal associates to travel to Washington, D.C. to murder the Ambassador at a restaurant there. The plan was subsequently approved by Arbabasir's co-conspirators, who then arranged to hire the individual and his criminal associates to murder the Ambassador, while the Ambassador was in the United States. Arbabasir agreed to pay \$1.5 million to the individual.

Arbabasir traveled to Mexico in May, June, July and September of 2011. In Mexico, Arbabasir met with a person ("the Individual") who claimed to be a representative of a sophisticated and violent Latin American drug cartel that had access to military-grade weapons. With the approval of Arbabasir's co-conspirators, Arbabasir arranged to hire the individual and his criminal associates to murder the Ambassador. Arbabasir arranged for the assassination of the Ambassador in Iran, in order to arrange the assassination of the Ambassador of Saudi Arabia to the United States (the "Ambassador"), while the Ambassador was in the United States.

03.30.2012

Agreement) may be commended or reinstated against the defendant, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement or reinstatement of such prosecution. It is the intent of this Agreement to waive all defenses based on the statute of limitations with respect to any prosecution that is not time-barred on the date that this Agreement is signed.

It is further understood that this Agreement does not bind any federal, state, or local prosecuting authority other than this Office.

prosecuting authority other than this Office.

03.30.2012

Sabrina Shroff, Esq.  
Attorney for Mansoor Arbabsiar

*(Signature)*

APPROVED:

Mansoor Arbabsiar

*(Signature)*

AGREED AND CONSENTED TO:

Terrorism and International Narcotics Unit

Chief  
Michael Farbarez / Jocelyn Strauber

*(Signature)*

APPROVED:

(914) 993-1947

(212) 637-2401 / 2210

Assistant United States Attorneys

Stephen J. Richin

Glen A. Kopf

Edward Y. Kim

*(Signature)*

By:

United States Attorney

PREET BHARA

Very truly yours,

Apart from any written Proffer Agreement that may have been entered into between this Office and defendant, this Agreement supersedes any prior understandings, promises, or conditions between this Office and the defendant. No additional understandings, promises, or conditions have been entered into other than those set forth in this Agreement, and none will be entered into unless in writing and signed by all parties.

Page 9  
October 16, 2012  
Sabrina Shroff

Arbabisar traveled intermittently to Mexico on several occasions, including from Iran, in order to arrange the assassination of the Ambassador. These trips occurred in May, June, July and September of 2011. In Mexico, Arbabisar met with a person ("the Individual") who claimed to be a representative of a sophisticated and violent Latin American drug cartel that had access to military-grade weaponry. With the approval of Arbabisar's co-conspirators, Arbabisar arranged to hire the Individual and his criminal associates to murder the Ambassador, while the Ambassador was in the United States. Arbabisar agreed to pay \$1.5 million to the Individual. Arbabisar discussed with the Individual a plan for the Individual and his criminal associates to travel to Washington, D.C. to murder the Ambassador at a restaurant there. The plan was subsequently approved by Arbabisar's co-conspirators.

Arbabisar then arranged for a \$100,000 payment, in two installments, to be wired to the Individual at a U.S. bank account, as a down-payment for the anticipated murder of the Ambassador. Arbabisar's co-conspirators approved this payment, which was made via wire transfers to a U.S. bank account that passed through Manhattan, New York.

From the Spring of 2011 through the Fall of 2011, Mansoor Arbabisar and his co-conspirators, officials in the Iranian military who were based in Iran (the "co-conspirators"), agreed to cause the assassination of the Ambassador of Saudi Arabia to the United States (the "Ambassador"), while the Ambassador was in the United States.

**Exhibit A**

DAVID E. PATTON, Esq.  
Federal Defenders of New York, Inc.  
52 Duane Street - 10th Floor  
New York, New York 10007  
Tel.: (212) 417-8700

Sabrina P. Shroff, Esq.  
Attorney for Defendant  
MANSSOR ARBABI STAR

COLLEEN P. Cassidy, Esq.  
Of Counsel

TO: BRETT BHARRA, Esq.  
United States Attorney  
Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007  
Attn.: Edward Kim, Esq.  
Glen Kopp, Esq.  
Attala Kopp, Esq.

ATTORNEYS  
ASSISTANT UNITED STATES ATTORNEYS  
SOUTHERN DISTRICT OF NEW YORK

REPELLY SENTENCING MEMORANDUM ON BEHALF OF MANSOR ARBABSIAH

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES OF AMERICA,  
-against-  
MANSOOR ARBABSTAR,  
GHOLAM SHAKURI,  
Defendants.

In its opposition the government wrongfully implicates that Dr. Michael B. First is the only doctor to conclude that Mr. Arbabasizar suffers from mental illness (diagnosed by Dr. First as bipolar disorder). This is not true. Dr. First's diagnosis is supported by Mr. Arbabasizar's behavior, the statements of friends and family, the diagnostic tests of Dr. Joel Morgan, and the medical records from the Metropolitan Correctional Center ("MCC"), where Mr. Arbabasizar has been detained in isolation for the last two years.

Untrue is the government's contention that "the health care professionals who have seen the defendant regularly" at the MCC government sentencing submission at 17) have not observed Mr. Arbabasizar's mental problems. Attached hereto is the March 14,

REPELLY SENTENCING MEMORANDUM ON BEHALF OF MANSOUR ARBABSIAR

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES v. X  
: : : :  
UNITED STATES OF AMERICA,  
: : : :  
-against-  
: : : :  
MANSOOR ARBABSIAR,  
: : : :  
GHOIHAM SHAKURI,  
: : : :  
11 Cr. 897 (JFK)  
: : : :  
Defendants.  
: : : :  
X-----

According to Dr. First, Dr. Chin's observations support Dr. First's prior findings as reflected in his April 16, 2013, Report (Exhibit A to Mr. Arbabstar's Senticing Memorandum). In

disorder and schizophrenia. See, Exhibit B.

"circumstantial" is a disturbed pattern of speech characterized by delay in getting to the point because of the interpolation of unnecessary details and irrelevant parental remarks, all of which are characteristic of mental disorders such as bipolar

thinking was "circular". Dr. First explains that

In Exhibit A, Dr. Chin records that Mr. Arbabistar's

B. First, attached hereto as Exhibit B.

medical records) and Letter dated May 3, 2013, from Dr. Michael

anxious to dysphoric and angry. See, Exhibit A (Dr. Chin's

rate. Dr. Chin noted that Mr. Arbabasilar's mood shifted from

Arbab-e-sazar whilst he was on a continuous rant, speaking at a fast

Arbabbasilar, Dr. Chin's notes his observations of the patient

contreactual basis, had to be called in for a consult with Mr.

consults with the health care providers at the MCC on a

On March 14, 2013, Dr. Chin, an outside psychiatrist who

both of which are characteristic of bipolar disorder.

observations of Mr. Arbabzai, 's actions and loss of control,

(Exhibit A). That report by Dr. Chin memorizes this

2013 report of Dr. Chin, a contract psychiatrist at the MCC.

This report of April 16, 2013, Dr. First noted that Mr. Arbabzadah displayed "frequent tangentiality" (First Report at page 11), a similar form of thought disorder which often co-occurs with circumstances and is also characteristic of bi-polar

While Dr. Chin only provides a diagnosis of "other

#### CONCLUSION

for psychiatric evaluation and subsequent treatment.

dysphoric mixed mood, which was severe enough to warrant a call for psychiatric hearing served to trigger this brief episode of sentencing. It is likely that the severe stress related to impending isolated setting with minimal exposure to environmental stimuli. to his life prior to incarceration, Mr. Arbabifar has been in an Dr. First notes that for the past 18 months, in contrast to environmental influences.

course of bipolar disorder is often quite variable and sensitive clinical staff at MCC. As noted in Dr. First's report, the that were manifest during Mr. Arbabifar's encounters with disorder. MCC's diagnoses only reflect the psychiatric symptoms diagnoses differ from Dr. First's original diagnoses of bipolar Second, it demonstrates the reason the MCC's medical provides additional validity for Dr. First's diagnosis. lawyers on various occasions during his incarceration. Thus, it outlined in the report, and that have been seen by this between the more severe depressive and hypomanic episodes have characterized Mr. Arbabifar's baseline mood disturbance in the kind of sub-threshold mixed hypomanic/depressive states that would likely benefit from "mood stabilization", is typical of

(212) 805-0300

SOUTHERN DISTRICT REPORTERS, P.C.

27  
Q. Could you elaborate on that?

26  
A. Yes. Bipolar II disorder is a chronic mood disorder that

25  
is characterized by episodes of depression, major depressive

24  
episodes that are commonly known as clinical depression, as

23  
well as hypomanic episodes which are episodes of elevated mood

22  
that are persistent, but not so severe as to qualify for

21  
DSM, it is the same list of seven symptoms. It is the same

20  
symptoms are exactly the same. In fact, if you look at the

19  
DSM, it is the same list of seven symptoms. The only

18  
difference is a judgment about the severity. So people who

17  
have mania are people who generally end up in the hospital.

16  
That is a messenger from God and they end up in the

15  
kind of person who runs out in the street naked, falling

14  
is the kind of person who generally end up in the hospital. It

13  
have mania are people who generally end up in the hospital. So

12  
difference is a judgment about the severity. So people who

11  
regularly, for at least three out of seven. The only

10  
difference, for at least three out of seven. The only

9  
difference is a judgment about the severity. So the difference

8  
between mania and hypomania, the

7  
diagnoses of mania.

6  
that are persistent, but not so severe as to qualify for

5  
well as hypomanic episodes which are episodes of elevated mood

4  
episodes that are commonly known as clinical depression, as

3  
is characterized by episodes of depression, major depressive

2  
A. Yes. Bipolar II disorder is a chronic mood disorder that

1  
is characterized by episodes of depression, major depressive

Q. Could you elaborate on that?

27  
A. That is (3) 1028

1  
D58UARBH  
First - direct

(212) 805-0300

SOUTHERN DISTRICT REPORTERS, P.C.

THE COURT: Is that possible, physically?  
THE WITNESS: It is, believe it or not.  
THE COURT: Is that possible, physically?

is --

in four weeks. I have had no sleep in four weeks. Hypomania, classic case of mania, somebody says, you know, I haven't slept them is decreased need for sleep. Someone with mania, a symptom that are shared between mania and hypomania. One of symptoms that are given you an example of the seven MS. SHROFF: Dr. First, would you slow down, please. THE WITNESS: Let me give you an example of people when you think of mania. And people getting hospitalized, that is the kind of thing that would get someone in the hospital. THE WITNESS: That is a classic example of people when

pick it out.

THE COURT: You used it as an illustration, I didn't symptoms.

THE WITNESS: That is not one of the required that confuses me. So that would be a symptom, right?  
THE COURT: When you say they show the same symptoms, THE WITNESS: No, they don't. Let me explain.

naked?

THE COURT: Do hypomania people run around the streets like mania. And you say mania -- and one illustration you gave is the people who run around the street naked, right?

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THE COURT: I know. I understand that, but is not a  
believe that there is a plot against you.

THE WITNESS: No. Paranoia generally means that you  
paranoia?

THE COURT: Well, isn't grandiosity an indication of  
grandiose. They have crazy plans so that would be hypomania.  
believes that they are very smart. They are unusually  
another word? The grandiosity is another one. A person who  
they are on the most severe level, the person who -- what is  
on the milder level, they are considered hypomania and when  
THE WITNESS: So each of the seven symptoms, when they  
for you now! You have to stick to being a judge.

MS. SHROFF: Judge, it is too late for a second career

THE COURT: OK.

respond to it and they are able to slow down.  
normal rapid speech, when they say Please slow down, they  
rapidly and you cannot get a word in edgewise. Someone who has  
the difference. Someone who has mania or hypomania, they speak  
THE WITNESS: Right. I was able to slow down, that's

THE COURT: You were just asked to slow down --

And another symptom would be speaking rapidly.  
THE WITNESS: No. Every night for four weeks, yeah.

THE COURT: In four weeks or in one night?

have only had three hours of sleep.

THE WITNESS: It is. For hypomania, they will say, I

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